

EXHIBIT B

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois,

Plaintiff

v.

OAKVIEW AVENUE WATER WORKS, INC.,
an Illinois corporation, and
GEORGE E. STOURTON, individually and
as president of Oakview Avenue Water
Works, Inc.

Defendants.)

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No. 03 CH 138

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PEOPLE'S VERIFIED PETITION TO ENFORCE
COURT ORDER AND FOR RULE TO SHOW CAUSE

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA MADIGAN, Attorney General of the State of Illinois, pursuant to the court order referred to herein and attached hereto, petitions to have defendants, OAKVIEW AVENUE WATER WORKS, INC., "Oakview") an Illinois corporation, and GEORGE E STOURTON, comply with the terms of the Order entered by this Court on February 28, 2003, and to show cause, if any there be why they should not be held in contempt for violating this Court's Order. In support of this petition, plaintiff states as follows:

1 The February 28, 2003 Interim Order for Preliminary Injunction entered in this cause, and attached hereto and referenced herein as Exhibit A, ordered in pertinent part, the following:

REMEDIAL ACTION BY DEFENDANTS

C. Defendants shall begin the corrective actions as follows:

- a. Within 14 days after entry of this Order, Defendants shall provide proof that a tank with

an amount of hydropneumatic storage capacity equal to or greater than 10,815 gallons for his 309 consumers as required by Section 653.109 of the Board Regulations for Public Water Supplies, 35 Ill. Adm. Code 653.109 has been ordered. Such tank shall be installed and properly permitted within 120 days of the entry of this Order,

*

c. Within 30 days of the entry of this Order, Defendants shall provide auxiliary power to their public water supplies facility;

d. Within 30 days of the entry of this Order, Defendants shall provide fluoride to the finished water to maintain a fluoride ion concentration reported as F of 0.9 to 1.2 mg/l in its distribution system as required by Section 611.125 of the Board Regulations for Public Water Supplies, 35 Ill. Adm. Code 611.125 and Section 653.701(b) of the Agency Regulations for Public Water Supplies, 35 Ill. Adm. Code 653.701(b);

*

6. Defendants shall grant on site access to the Site to authorized representatives of the Illinois Attorney General's Office and the Illinois EPA;

7. Defendants and any and all persons acting on their behalf shall cooperate with Plaintiff's investigation and evaluation of the Site, (Emphasis added.)

2. Said Order of February 28, 2003 is still in full force and effect, not having been vacated, set aside, changed or modified.

3. Paragraph 5(a) of the February 28, 2003 Interim Order for Preliminary Injunction states that the Defendants shall present proof of ordering a hydropneumatic storage tank larger than 10,815 gallons within fourteen(14) days of the entry of the Order

4 The only purported proof received is a fax statement from

George Stourton alleging that he had ordered it. No receipts, invoices, cancelled checks, or any other third party documentary proof has been presented

5. Defendants have failed to provide proof of ordering the hydropneumatic storage as required

6. By failing to provide proof of ordering the 10,815 gallon hydropneumatic storage tank within fourteen(14) days of the entry of the preliminary injunction, Oakview and Stourton violated paragraph 5(a) of the February 28, 2003 Order.

7. Paragraph 5(c) of the Order states that Defendants are to provide auxiliary power for their facility within thirty(30) days of the entry of the Order

8. Defendants have failed to provide any proof of auxiliary power, and the Illinois EPA inspectors have not been able to access the facility to verify the status independently. Defendants have not returned their phone calls, and the facility was locked and vacant when the inspectors were present

9. By failing to provide auxiliary power within thirty(30) days of the entry of the Interim Order for Preliminary Injunction Oakview and Stourton violated paragraph 5(c) of the February 28, 2003 Order.

10. Paragraph 5(d) of the Order states that Defendants are to provide fluoride in the finished water within thirty(30) days of the entry of the Order.

11. Defendants have failed to provide any proof of fluoride in the finished water power, and the Illinois EPA inspectors have not

been able to access the facility to verify the status independently. Defendants have not returned their phone calls, and the facility was locked and vacant when the inspectors were present.

12. By failing to provide fluoride to the finished water within thirty(30) days of the entry of the Interim Order for Preliminary Injunction, Oakview and Stourton violated paragraph 5(d) of the February 28, 2003 Order.

WHEREFORE, plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order:

1. Requiring defendants, Oakview and Stourton, to appear and show cause why they should not be held in contempt of court for their failure to comply with the February 28, 2003 Interim Order for Preliminary Injunction;

2. Setting a hearing date on the rule to show cause;

3. Compelling defendants to immediately comply with the terms of the February 28, 2003 Order; and

4. Granting such other relief as this court deems appropriate and just

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney
General of the State of Illinois

By: Paula Becker Wheeler
PAULA BECKER WHEELER
Assistant Attorney General

Environmental Bureau
1880 W. Randolph St., 20th Fl.
Chicago, Illinois 60601
(312) 814-1511

VERIFICATION

I, JOHN DALESSANDRO, after being duly sworn and upon oath, states as follows:

1. I am employed by the Illinois Environmental Protection Agency ("Illinois EPA") as a Regional Manager, Division of Public Water Supplies and Environmental Protection Specialist.

2. As part of my duties with the Illinois EPA, I perform site investigations to assess whether environmental and/or public health threats exist. Upon formal request, I also review pleadings to be filed by the Attorney General's Office to ensure veracity and accuracy with the records of the Agency as well as my own personal observations and knowledge.


3. I have read the foregoing Verified Petition to Enforce Court Order and for Rule to Show Cause, and am aware of the contents thereof.

4. The factual matters set forth in the Verified Petition are true in substance and in fact, to the best of my knowledge, information and belief.

Further affiant sayeth not.


JOHN DALESSANDRO

Subscribed and sworn to before me
this 9th day of May, 2003.


NOTARY PUBLIC

